

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Dave Dooley and Mark Loehr
Serial No: 10/710,305
Filing Date: July 1, 2004
Art Unit: 3612
Examiner: Patricia Lynn Engle
Confirmation No.: 4304
Title: **VEHICLE TRIM PANEL WITH INTEGRAL NIBBED ARMREST**
Atty Docket: MASL-43

Cincinnati, Ohio 45202

Date: January 17, 2006

Mail Stop Amendment
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AFFIDAVIT UNDER RULE 131

We, Dave Dooley and Mark Loehr (the inventors), being duly cautioned and sworn,
submit this Affidavit in response to the Office Action dated October 17, 2005, and state:

That we are the inventors of the invention entitled "VEHICLE TRIM PANEL WITH
INTEGRAL NIBBED ARMREST" described and claimed in the application for Letters Patent of
the United States, Serial No. 10/710,305, filed July 1, 2004 ('305 application);

That this is an Affidavit under the provisions of Rule 131 and the rules of practice for the
United States Patent Office in support of said '305 application;

That the invention described and claimed in the '305 application was conceived prior to
March 18, 2004, the actual filing date of U.S. Patent No. 6,893,077 issued in the name of
DeJongh;

That, as evidence of the conception of the invention described and claimed in the '305 application, attached and incorporated into this Affidavit as Exhibit A are copies of an invention disclosure bearing a date (now masked) with annotated drawings and written description made by one or both of the undersigned inventors prior to March 18, 2004, bearing a date prior to March 18, 2004, but with said date now masked;

That the attached Exhibit includes a detailed description of a door trim panel, which clearly demonstrates that such door trim panel embodies the elements claimed in at least the independent claims of the '305 application, and which was conceived prior to the effective date of DeJongh;

That the conception of the invention claimed in at least pending independent claims 1 and 4 of the '305 application is fully supported by the attached Exhibit, and that all annotated drawings and description included in the Exhibit having been created in the United States by one or both of the undersigned inventors before March 18, 2004;

That the Exhibit demonstrates as follows:

That a door trim panel was conceived before March 18, 2004;

That the door trim panel included a main body portion adapted to be removably secured to the door frame, said main body portion including an integral support surface; and an armrest fastened to said main body portion, said armrest including a plurality of spaced-apart projections positioned to contact said integral support surface to thereby support said armrest;

That the door trim panel may have alternatively included a main body portion adapted to be removably secured to the door frame, said main body portion including an access opening; a bolster removably secured to said main body portion, said bolster covering said access opening, and said bolster including an integral support surface; and an armrest fastened to said bolster, said armrest including a plurality of spaced-apart projections positioned to contact said integral support surface to thereby support said armrest;

That, more particularly, Exhibit A demonstrates that:


A main body portion (labeled in Exhibit A in the drawing captioned with Sketch #1 as "Main Door panel") is adapted to be removably secured to a door frame. An armrest (labeled in Exhibit A with "Nibbed arm rest" in the drawings captioned with Sketch #1, Sections A-A, B-B, C-C, D-D, and Figures 1-2) is fastened to the main body portion or, more specifically, to a bolster (labeled with "Bolster" in the drawings captioned with Sketch #1, Sections A-A, B-B, C-C, D-D, and Figures 1-2). The armrest includes a plurality of spaced-apart projections that are clearly evident in Exhibit A in the drawings captioned with Sections A-A, B-B, C-C, D-D and Figures 1-3. An integral support surface, which is clearly evident in the drawings in Exhibit A captioned with Sections A-A, B-B, C-C, D-D and Figures 1-3, is contacted by the projections for supporting the armrest;

That the undersigned inventors were reasonably diligent from prior to the actual filing date of March 18, 2004 for U.S. Patent No. 6,893,077 to the constructive reduction to practice

occurring on July 1, 2004. Specifically, the undersigned inventors and the attorney for the undersigned inventors can account for the entire period during which reasonable diligence is required with affirmative acts and acceptable excuses. The inventors performed no activity between March 18, 2004 and April 2, 2004. However, this absence of activity is excused as the inventors exercised reasonable diligence between a date prior to March 18, 2004 and April 2, 2004 by mailing a copy of a written invention disclosure to the attorney on April 2, 2004. The written invention disclosure, which is attached as Exhibit A, was prepared prior to March 18, 2004 and forwarded to the attorney in the normal course of business and without unreasonable delay. Accompanying the mailed copy of the written invention disclosure were written instructions from the in-house counsel for the assignee of the '305 application instructing the attorney to prepare and file a patent application on the subject matter of the written invention disclosure. The attorney for the undersigned inventors received the written invention disclosure shortly after the mailing date of April 2, 2004. After receipt, the attorney for the undersigned inventors was diligent in preparing a specification based upon the written invention disclosure that culminated with the '305 application being filed on July 1, 2004. The filing date of the '305 application is approximately three months after the April 2, 2004 receipt date of the written invention disclosure from the undersigned inventors. The delay of three months is excusable because the attorney worked reasonably hard on the application during the continuous period from April 2, 2004 to July 1, 2004. The attorney had a reasonable backlog of unrelated cases taken up in chronological order and carried out in an expeditious manner, which is submitted to be sufficient to establish reasonable diligence on behalf of the attorney;

Therefore, in summary, the affidavit and attached Exhibit constitute a showing of facts, in character and weight, that establish conception of the invention prior to the effective date of U.S. Patent No. 6,893,077 for a door trim panel that is the subject of and is claimed in Application Serial No. 10/710,305, all the acts of which occurred in the United States BEFORE March 18, 2004, and thus precede the effective filing date of U.S. Patent No. 6,893,077, and that the inventors exhibited diligence from prior to the reference date of March 18, 2004 to the actual filing date of the '305 application.

Further affiants sayeth naught.

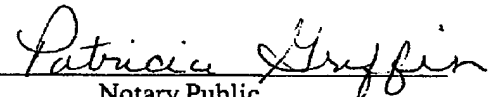
By 
Dave Dooley

Date 1/17/06

STATE OF MICHIGAN)
)
COUNTY OF Oakland)

2006 Sworn to and subscribed in my presence this 17 day of January,
pb

(SEAL)


Notary Public

PATRICIA GRIFFIN
Notary Public, Oakland County, MI
My Commission Expires Jun. 28, 2017

By Mark Loehr
Mark Loehr

Date 1/18/05

STATE OF MICHIGAN)
COUNTY OF Oakland)

Sworn to and subscribed in my presence this 18 day of January
2006.

(SEAL)

Patricia Griffin
Notary Public

PATRICIA GRIFFIN
Notary Public, Oakland County, MI
My Commission Expires Jun. 28, 2007